

Practitioner's Docket No.: 832_001 DIV3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: James F. Brown

Ser. No.: 10/798,857

Group Art Unit: 1641

Filed: March 11, 2004

Examiner: Christopher L. Chin

Confirmation No.: 7179

For: METHOD FOR DETECTING THE PRESENCE OF A SINGLE TARGET
NUCLEIC ACID IN A SAMPLE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EFS CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being transmitted via
EFS to the Patent and Trademark Office on *July 9, 2007*.

Janet M. Stevens
Janet M. Stevens

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Sir:

Your petitioners, Cytonix Corporation, residing at 8000 Virginia Manor Road, Beltsville, Maryland 20705, represent that they are the owner of the entire right, title and interest in U.S. Patent Application Ser. No. 10/798,857, filed March 11, 2004.

Except as provided below, petitioners hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,143,496, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,143,496, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successors or assigns.

In making the above disclaimer, petitioners do not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321,

has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the petitioners identified above.

The undersigned is an attorney of record.

FEE STATUS
(37 C.F.R. § 1.20(d))

<input type="checkbox"/>	Other than a small entity	\$130.00
<input checked="" type="checkbox"/>	Small entity	\$ 65.00

FEE PAYMENT

☐ Attached is a check in the sum of \$.
☐ Charge Deposit Account _____ the sum of \$ _____ and for any fee deficiency that may be due. A duplicate of this disclaimer is attached.
☒ The Total Fees Due were paid via EFS on Form PTO 875.
☒ Charge Account 50-1446 for any fee deficiency.

Respectfully submitted,



Kevin C. Brown
Attorney for Applicant(s)
Reg. No. 32,402

July 9, 2007
Date

KCB:jms

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